

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SERGIO BONILLA, on behalf of himself and
all others similarly situated,

Plaintiff,

v.

ANCESTRY.COM OPERATIONS INC., a
Virginia Corporation; ANCESTRY.COM INC.,
a Delaware Corporation; ANCESTRY.COM
LLC, a Delaware Limited Liability Company;
and DOES 1 through 50, inclusive,

Defendants.

CASE NO. 1:20-cv-07390

Hon. Virginia M. Kendall

DECLARATION OF TODD GODFREY

I, Todd Godfrey, declare as follows:

1. I am Vice President of Global Content for Ancestry.com Operations Inc., a wholly-owned subsidiary of Ancestry.com Inc. Ancestry.com Inc. is the parent of Ancestry.com Operations Inc. In this declaration, I collectively refer to these entities as "Ancestry" and distinguish among them only if necessary to ensure accuracy and clarity. I make this declaration of personal, firsthand knowledge, and if called and sworn as a witness, I could and would testify competently thereto.

2. Since 2008, I have been employed by Ancestry, a genealogy company that owns and operates the public website Ancestry.com. As part of my job responsibilities, I am familiar with Ancestry's operations and record keeping, and I have reviewed Ancestry's business records and other documents that provide the basis for my statements. Through this review and based on my personal knowledge, which I obtained through my employment, training and expertise at Ancestry, I have personal knowledge of the facts stated in this declaration.

3. Ancestry.com is a public website through which any user can search for and view information from a variety of records that Ancestry stores in its many databases. One of the

databases searchable and accessible through Ancestry.com is Ancestry's "U.S., School Yearbooks, 1900-1999" database ("Yearbook Database"), which hosts certain yearbook records.

4. According to Ancestry's business records, on June 27, 2019, Ancestry began hosting in its Yearbook Database the 1995 Central High School, Omaha, Nebraska yearbook record on which plaintiff bases his claims (the "Bonilla Record"). A true and correct copy of that record is attached hereto as **Exhibit 1**.

5. Since the time Ancestry began hosting the Bonilla Record in June 2019, any visitor to Ancestry.com (subscribers and non-subscribers) has been able to search for the Bonilla Record on Ancestry.com using the same search parameters.

6. Since the time Ancestry began hosting the Bonilla Record in June 2019, Ancestry subscribers and users of Ancestry.com's free trial have been able to view, access, and download the Bonilla Record in full.

7. Since the time Ancestry began hosting the Bonilla Record in June 2019, any visitor to Ancestry.com (subscribers and non-subscribers) has been able to preview the Bonilla Record via a pop-up screen that, among other things, contains the name "Sergio Bonilla," the words "There's more to see[,] A picture of the original document" and "Sign Up Now," a thumbnail image of the Bonilla Record, and categories of available information for that record. Attached as **Exhibit 2** is a true and correct copy of a pop-up screen preview of the Bonilla record.

8. Since the time Ancestry began hosting the Bonilla Record in June 2019, non-subscriber, non-free-trial users of Ancestry.com who have tried to access the Bonilla Record have been redirected to an Ancestry webpage, that, among other information, lists prices for Ancestry subscriptions. Though the prices listed on the page may vary from time to time, the substantive content of this page has remained the same from June 27, 2019 through today. Attached as **Exhibit 3** is a true and correct screenshot of the webpage a non-subscriber, non-free-trial Ancestry.com user would be directed to if he attempts to access the Bonilla record.

9. When a record is included in Ancestry's database, it becomes "hintable" such that it could be mentioned in a "hint" e-mail to users if it appears the record may correspond to an individual the user included in the family tree the user created on Ancestry.com. Since the time Ancestry began hosting the Bonilla Record in June 2019, the Bonilla Record has been part of the database from which Ancestry populates the "hint" e-mails.

10. Other than the above-listed items that a user might see following a search for the Bonilla Record, Ancestry has not otherwise displayed the Bonilla Record to users of its website.

11. According to Ancestry's records, the Bonilla record has never been the subject of any hint e-mails sent by Ancestry.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed February 10, 2022.

By: _____ DocuSigned by:

Todd Godfrey
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Vice President, Global Content,
Ancestry.com Operations Inc.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on February 10, 2022, I caused a true and correct copy of the foregoing to be filed electronically with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to counsel of record via the Court's CM/ECF automated filing system.

/s/ Shon Morgan
Shon Morgan